

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TAE KIM,

Plaintiff,

-against-

MAJOR AUTOMOTIVE GROUP, HAROLD
BENDELL, CHRIS ORSARIS, DINO "DOE," and
JAMES "DOE,"

Defendants.
-----X

NOT FOR PUBLICATION
MEMORANDUM & ORDER
14-CV-3840 (CBA) (MDG)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN 29 2016 ★

BROOKLYN OFFICE

AMON, United States District Judge:

On June 19, 2014, plaintiff Tae Kim filed the instant complaint against Major Automotive Group and its managers for unpaid wages under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et seq., and New York Labor Law §§ 196-d, 650, et seq. as well as national-origin and race discrimination under the New York State Human Rights Law. (D.E. # 1.) The parties then reached a settlement agreement, which requires the approval of either the court or the Department of Labor because it resolves Kim's FLSA claims, see Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015). The parties moved for approval of their agreement, (D.E. # 27), and the Court referred that motion to the Honorable Marilyn D. Go, United States Magistrate Judge, for report and recommendation ("R&R"), (D.E. dated Feb. 17, 2016). Judge Go held a fairness hearing on the motion, (see Minute Entry dated March 24, 2016), and then issued an R&R recommending that the Court approve the parties' proposed settlement agreement, (D.E. # 28).

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept

those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted).

The Court has reviewed the R&R and the record and, finding no clear error, adopts Judge Go’s recommendation that the motion for approval of the proposed settlement agreement be granted. The parties are directed to file a stipulation voluntarily dismissing this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) within thirty (30) days of this order.

SO ORDERED.

Dated: June 29, 2016
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge